

of the associate (assigned upon enrollment) and a unique identifier of the selected product (such as the ISBN of a book)” (Col. 7, lines 21-30). Activation of the referral link *does not* provide information about the customer to the merchant. This is established in Bezos: “Because the identity of the customer is normally *unknown* to the merchant Web site 106 at the time of the referral event, the site 106 uses cookies technology to identify the customer, so that the customer can be associated with any existing shopping cart created during previous visits to the site.” (emphasis added, Col. 8, lines 17-22).

In paragraph 10 of the Office Action, the Examiner states that “the reference’s [Bezos] ‘associate’ is the ‘individual’ of the instant claims...Left unsaid was that ‘persons whom said individual wishes to refer’ are customers who are going to make purchases from the merchant.” Using Examiner’s own definition for identification of parties, claim 1 is re-written below with changes evident to utilize Bezos’ terminology, such that Examiner will clearly see that claim 1 is not anticipated by Bezos, and it is not the same system as Bezos. Applicant has additionally amended claim 1 to further define a limitation:

1. A method for facilitating and tracking personal referrals, comprising:
 - generating a unique identifier that is associated exclusively with the pairing of one ~~individual-associate~~ and one offer;
 - sending to said ~~individual-associate~~ an electronic-mail message that provides a hyperlink to or contains a Web page whose address or contents includes said unique identifier or a transformation thereof, and
 - providing in said Web page a means to allow the to allow the ~~individual-associate~~ to input the electronic-mail address of ~~persons~~ customers whom said ~~individual-associate~~ wishes to refer.

Regarding Applicant’s claim 1 in comparison to Bezos, the Bezos’ merchant does not send to the associate an email message that includes a Web page or hyperlink thereto, wherein the Web page includes a means to allow the associate to input the electronic mail address of the customers. This is further clarified by the previously cited passage from Bezos, Col. 8, lines 17-22, where it is stated that in Bezos, at the time that a referral link is selected, the merchant *does not know* who the customer is. Bezos further states in Col. 8, lines 29-31, that [a]ny of a variety of alternative techniques can be used to identify the customer, including *prompting the customer for a user ID, and/or using URL information*

returned by the customer Web browser (emphasis added). This is *not* the same system as Applicant's claims 1 and 14 that include a limitation of providing a means to allow the individual (associate) to input the electronic-mail address of persons (customers) whom the individual (associate) wishes to refer. Examiner must understand that in the Bezos system, the individual (associate) does not know, and *does not need to know*, the person's (customer's) identity and/or email address, and does not provide a vehicle or means for providing it. This is why Bezos specifically states that at the time that a referral link is selected, the merchant *does not know* who the customer is, and the merchant must obtain the customer's identity from the customer by querying the customer, retrieving a cookie, etc. Furthermore, the Bezos merchant and associate maintain separate web pages, while Applicant's claims 1 and 14 refer to only a single Web page.

As provided previously herein, Applicant amends independent claims 1 and 14 to more particularly provide it is the individual that utilizes the means to input electronic mail addresses of the customers whom the individual wishes to refer. As provided herein, in Bezos, the individual (associate) does not know the identity of the referred party (customer), and hence the Bezos system does not teach this limitation of Applicant's claims 1 and 14. Applicant accordingly traverses Examiner's rejections of claims 1 and 14 based on 35 U.S.C. 102 and 103, and Applicant believes that claims 1 and 14 are allowable. Claims 2-13 and 15-20 depend from claims 1 and 14, and hence claims 1-20 are allowable.

Applicant also amends independent claim 21 and believes that such amendment places the claim in condition for allowance. Claims 22-40 depend from claim 21 and are therefore also allowable.

Applicant thanks Examiner for the finding of allowable subject matter of claims 41-47.

The claim amendments should in no way be construed to be an acquiescence to any of the rejections. The amendments to the claims are being made solely to expedite the prosecution of the above-identified application. Accordingly, none of the claim amendments are related to patentability, and do not narrow the claims as originally

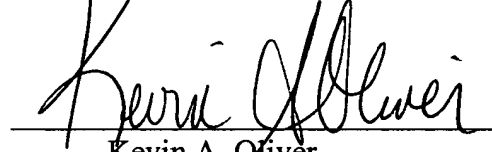
presented. Applicant reserves the option to further prosecute the same or similar claims in the instant or subsequent patent applications.

Conclusion

Based on the above Remarks, it is respectfully submitted that this application is in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicant's attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at 617-832-1241.

Respectfully submitted,

FOLEY, HOAG & ELIOT LLP

A handwritten signature in dark ink, appearing to read "Kevin A. Oliver", is written over a horizontal line.

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Marked-up version of claims:

Please amend claims 1, 14, and 21 as follows:

1. (Once amended) A method for facilitating and tracking personal referrals, comprising:
generating a unique identifier that is associated exclusively with the pairing of one individual and one offer;

sending to said individual an electronic-mail message that provides a hyperlink to or contains a Web page whose address or contents includes said unique identifier or a transformation thereof, and

providing in said Web page a means to allow the individual to [of] input[ting] the electronic-mail address of persons whom said individual wishes to refer.

14. (Once amended) An apparatus for facilitating and tracking personal referrals, comprising: a storage device; and

a processor connected to said storage device,

said storage device storing a program for controlling said processor; and said processor operative with said program to:

generate a unique identifier that is associated exclusively with the pairing of one individual and one offer;

send to said individual an electronic-mail message that provides a hyperlink to or contains a Web page whose address or contents includes said unique identifier or a transformation thereof; and

provide in said Web page a means to allow the individual to [of] input[ting] the electronic-mail address of persons whom said individual wishes to refer.

21. (Once amended) A method for distributing an offer, the method comprising,

providing at least one database including at least one participant electronic mail address,

generating an electronic mail to the at least one participant that includes at least one of a Web page and a hyperlink to a Web page, the Web page further including data based on the offer, and,

providing in the Web page [at least one] an option for allowing the at least one participant to opt out[, accept, and refer].